

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, JANUARY 7, 2003

Chair Mathewson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Gibson, Feierbach, Frautschi, Parsons, Torre

Absent, Commissioners: Wiecha (arrived 7:04)

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

- 2. AGENDA AMENDMENTS: None
- 3. COMMUNITY FORUM (Public Comments): None
- 4. CONSENT CALENDAR: None

C Parsons recused himself on item 5A, 2700 Waltham Cross, as he lives within 300 ft. of the property.

CA Savaree noted for the record, the change to the Brown Act. Should a Planning Commissioner have a conflict of interest and recuse themselves on a specific item, the Planning Commissioner must leave the room during the entire discussion of that item.

C Parsons left the room.

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING - 2700 WALTHAM CROSS

To consider a Single Family Design Review to construct a 922 square foot addition for an existing 2,575 square foot single-family residence in a zoning district that permits 3,500 square feet. (Appl. No. 02-0024)

APN: 045-411-150; Zoned: R-1A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Kwok-Lai Chong (Applicant/ Owner)

AP Swan summarized the staff report and was available for questions as were the owners and architect.

C Frautschi noted that the staff report stated the owner would be expanding two existing bedrooms and adding one bathroom. The letter sent to the neighbors indicated the owner would be adding one extra bedroom. He questioned if this made a difference.

AP Swan replied that there had been several changes made to the plans since the neighborhood outreach took place. She stated the neighbors are still in support of this project and it is substantially consistent with what the neighbors reviewed initially.

C Gibson questioned the brick wall being brought out 10 feet, and asked if the wall was part of the set back. AP Swan replied, that the wall was considered a fence, less than 6 feet in height, consistent with the fence requirements.

AP Swan confirmed that the drawings being reviewed by the Commission were for design only. She went on to say that plans were not construction drawings.

Architect, Yat-sun Ng, stated there would be no loss of landscaping in the courtyard and proper water drainage for the roof had been considered and addressed.

MOTION: By Commissioner Wiecha, second by Commissioner Frautschi, to close the Public Hearing. Motion Passed.

Discussion:

C. Gibson stated that he was not sure that the brick wall conformed with the rest of the neighborhood and was not certain that it was consistent with the surrounding structures.

C. Torre, felt the proposal was acceptable, it met the code requirements of the City, and did it not ask for special variances. She felt the findings could be made.

MOTION: By Commissioner Wiecha, second by Commissioner Torre, to move the resolution by the Planning Commission of the City of Belmont approving a Single Family Design Review at 2700 Waltham Cross.

Ayes: Torre, Frautschi, Feierbach, Wiecha, Mathewson

Noes: Gibson

Recuse: Parsons

MOTION PASSED: 5/1/1

C Mathewson noted that this item can be appealed to the City Council within 10 days.

5B. PUBLIC HEARING – ZONING CODE AMENDMENTS

To consider revisions to Section 8.4.6(a) (Auditoriums for Schools, Colleges, Churches and Other Places of Assembly) of the City of Belmont Zoning Code. The amendment will consider increasing required parking for these uses. Planning Commission recommendations will be forwarded to City Council for final action.

(Appl. No. 02-0067)

CEQA Status: Negative Declaration

Applicant: City of Belmont

PP de Melo summarized the Staff Report and was available for questions.

C Feierbach asked staff for the definition of Assembly Area. PP de Melo replied, any congregation or group of persons that congregate in a room technically is considered public assembly. PP de Melo went on to say that when staff put the recommended amendments to the ordinance

together, they wanted to look at the main area of public assembly and the next largest meeting room associated with that use.

C Gibson questioned if existing parking situations are grandfathered, as long as CUP's are in effect? Does a CUP remain in effect as long as the use is not abandoned?

CDD Ewing responded, there is a confused distinction between a use as allowed by a use permit and a building built for a function and its structural status under the non-conforming provisions of the code. As an example, Lind Hall was an assembly use, and it was closed for a long time. Any grand-fathered status for permits granted in the past, would have long expired because of discontinued use. However, it is still an assembly hall, built legally under the parking standards of its time. The parking standards of its time would still allow it to be grandfathered, even though the use of a new church would have to be established by a use permit. The parking standards for the structure is still a grandfathered status because it was built as an assembly hall, as a structure.

C Gibson asked staff what would happen if a church wanted to add a substantial addition? CDD Ewing replied that the substantial addition would trigger their own parking requirement. For example, if the original assembly area was 150 seats, and was built with 1 space for every 6 seats. Then they wanted to expand and add 50 more seats. While the parking for 150 seats may be grand fathered, the additional 50 seats would require parking be provided at the current standard.

C Gibson questioned the size of the assembly room for the previously proposed Belmont Library ?

CDD Ewing stated that libraries have their own parking requirements of one space for every one thousand square feet of floor area.

Chair Mathewson suggested revisiting this issue at a later date.

C Wiecha had concerns regarding the grandfathering issue and how many new non-conforming situations it was going to create. C Wiecha requested staff provide numbers on the existing parking availability at the public assembly facilities at the locations listed. The three religious uses and the five public assembly uses.

PP de Melo replied, the Masonic facility received a parking variance, they were required to provide 24 spaces and provided 22 spaces. Longfellow was 16 spaces. We have 21 spaces for Masonic. They are required to provide, under these new amendments, 47 spaces. Longfellow, has 16 spaces, they are required to provide 49 spaces. In terms of the Marine View property for St. Marks, they are required 176 spaces. They have somewhere in the neighborhood of 135 – 140 spaces. The church is required to provide, under these amendments, 176 spaces, they would certainly be legal non-conforming parking lots.

CDD Ewing described the chart showing various jurisdictions, the most restrictive being three spaces for the one main assembly room. He stated the proposal before the Commission was in total, a lower number because staff took on the second room as well. Depending on whether there was a second room and how big it was, the effect could be anywhere from 2.9 to 2 or less. He stated, it could be much more restrictive depending on the size of the second room, than any shown on the chart.

C Wiecha, asked if staff had the information for the public assembly?

PP de Melo replied, that at the Twin Pines/Civic Center complex there are approximately 200 parking spaces. C Wiecha commented that the assumption is that the use of these facilities is after normal work hours, which is not always the case, which makes it difficult to look at the shared parking arrangement. PP de Melo did not have information on the Barrett Community Center. He stated that the Island Parkway Sport Complex had a good size parking lot which was adjacent to that site. There are 80-100 spaces at that location.

C Torre requested clarification from staff as this issue started as a concern for religious assembly parking, then it was corrected as not to limit the variance to religious use alone. She asked if the information which was presented for the other cities, also applied the restrictions to community facilities and places of assembly, or whether they were specifically related to religious assembly? CDD Ewing replied that this information was presented to Staff by a Council Member. Staff accepted the numbers. He went on to say that it was his experience that cities still distinguish, between religious and non-religious assembly uses in how they regulate them, not just for parking but also for conditional uses and some zoning. The reason staff raised the non-religious assembly use is because of the recent federal law adopted two years ago, that directs local governments not to adopt regulations for religious assembly uses or treat them differently.

C Torre felt that the Commission did not have enough complete information to make a decision.

Adam Naser, with the Muslim Association of the Peninsula requested to speak on three specific points regarding this proposed amendment.

Mr. Naser stated that "We are an aging nation with an attachment to religious and community institutions which grows stronger as we age. He went on to say that there are not many places that can be converted to a church or a community center under the current parking requirements. In effect, the stricter requirements before the Commission tonight, are more or less the equivalent of a prohibition of religious and community institutions". He asked the Commission to ask themselves, "How many sites do you know of that can meet the new requirements?" He asked the Commission to "consider what would happen to existing places of worship and community centers if a bathroom needed to be added or if a structure need to be fixed." He stated, that there are parking and traffic problems in most parts of the city, however he hoped the Commission recognized that limiting parking in places of worship and community centers was not the remedy. The CUP findings already give the Planning Commission the authority to consider impact of traffic and parking on a case-by-case basis.

Mr. Naser's second point was to say that he felt that Belmont is proud to be a small community and that being the strictest when it comes to religious and community institutions does not play well with the fabric of the community. He went on to say, that the proposal before the Commission errs on the stricter side. He urged the Commission to relax the proposal and bring Belmont into the relaxed 50th percentile, preferably the 75th percentile.

His third point regarded technical concerns with the proposal before the Commission:

He asked what determines a 2nd assembly room? an office, a meeting room, a cafeteria or a lobby area?

And what about the physical limitations associated with the space lost due to orientation of the building. Emergency paths and exits, a room consumed by a podium area or religious symbols?

MOTION: By Commissioner Wiecha second by Commissioner Frautschi to close the Public

Hearing.

Motion Passed.

Discussion ensued:

Chair Mathewson stated that staff may need to get back to the Commission with more information. He felt it would be difficult to make a well considered decision on this item tonight.

C Feierbach, stated she felt it would not make any difference because other cities have not considered it as part of the new law. She was willing to vote tonight.

C Gibson stated that there are a dozen or so churches in Belmont and if all the non-conforming uses were brought into conformance, we would be horrified with all the asphalt.

C Parsons, stated that it was his understanding, if a church exists, which was built as a church, and the ownership changes, that change does not kick in the requirement. If a church were to add in a bathroom and they are not increasing assembly footage that does not kick in a new requirement either.

CDD Ewing commented that the Commission has seen what other communities deal with in regards to churches. Staff can research non-religious assembly parking standards. Staff should also bring back clarification as to what constitutes an assembly, so that staff can provide a definition or site something in the building code because they have that kind of classification in building codes.

C Gibson, stated that when we have too much in too great of degree of non-conformity we give people an incentive not to rebuild. You see that in commercial structures that have been torn down to a couple of sticks and called it a remodel and there is no parking. We may be giving some of that same incentive to churches here.

C Feierbach, stated, if we want more parking, we're going to get more asphalt – but you're also going to get less parking on the street. She posed the question, have we forgotten what happens to these conversion processes where there is not enough parking, and they park on the street in residential areas? How are we going to solve this problem?

Chair Mathewson stated that this problem has come up in specific neighborhoods, however, now that we do have the Religious aspect to consider, he believed the Commission needed to receive more information before a decision could be made.

C Torre stated that the code does not give the Commission a steady rule in situations where we have an assembly use with no fixed seating. She felt comfortable voting on the first issue and adding into the code a either or pick the maximum of A or B. A, is based on square footage. B, was based on fixed seating. The issue she was having a problem with is changing the fixed seating. She stated the parking runs with the building, not with the CUP. Therefore with any of the churches that are established already, it's not going to make any difference. And it's not just churches, it's the building, if the building was built as a church, even if the CUP has lapsed, and later the CUP is sought by a new entity that is going to use it for an assembly use, the building is going to have grandfathered parking. So it's not going to change that basic situation. It seemed to her that what it will effect is a new building. She thought that the concern in the staff report was that assembly uses are taking over existing buildings, but converting them to different uses. So in that case, what's the parking requirement? CDD Ewing responded that it is going to be based on the structure, and how it is built.

C Torre, asked if you have an industrial building that you gut, and use it as an open assembly space, is the parking grandfathered based on the previous building?

CDD Ewing responded, industrial buildings are not assembly buildings, because it was built for another purpose. To convert it to an assembly building, would require structural changes. Staff would review the building under a new parking code, as they upgraded the building to assembly uses with different access and a variety of other improvements. Those get to the fine lines and maybe even some tough calls if a building is so close to assembly use, but built for an industrial purpose. We'll deal with that on a case-by-case basis. You asked for the original intent, and I believe the intent was based on: we're changing a rule, that really isn't getting to the problem that brought up the issue.

C Torre, felt part of what brought up the issue, was to get into the code, something to cover where we don't have fixed seating, and I don't have a problem with that tonight.

CDD Ewing stated the other aspect was that we have Churches going into assembly buildings, that are not adequately parked, this will not solve that problem. The number of spaces, per fixed

seating and the number of spaces for non-fixed seating ought to correspond with each other. CDD Ewing went on to say that the Commission may be comfortable adopting one per 40 square feet, but if you go from 6 down to 3 shouldn't 40 somehow relate to that in some equivalent way? C Torre replied that she thought it should, and it was a question she raised the last time this was discussed and she was informed by staff that we really didn't have a calculation that showed that there was a comparability between the proposal. Whether it was at 6 or at 3. She thought that was also a fact that was lacking, one way to get at that, might be to look at for example, some of the buildings that have fixed pews and see what the number of fixed seats is and compare it to the square footage of the main room. If you looked at 6 buildings that we've permitted and they all came out to between 40-50 square feet, you would get the same requirement, that might make you feel comfortable with a number like 45.

C Frautschi questioned staff that most cars hold four people, why wouldn't we have one parking space to four seat correspondence? Why was three chosen? PP de Melo replied, that when staff looked at the parking requirements for these uses we obviously did not want to be either middle of the range, most restrictive, least restrictive. We looked at these numbers and for these jurisdictions and a few of these jurisdictions had parking where three was intact – as well as the parking requirements for next largest place of assembly for that facility. In terms of tying the number of spaces, fixed seats verses the corresponding square footage, three verses the 40 square feet, we didn't provide as part of my analysis a connection whether that would work in all cases. Which is something we can add, as it sounds like the Commission would like to see analyzed as part of this amendment. When you look at these kinds of facilities, trying to guess how many fixed seats could potentially go in a vacant room that does not have fixed seats, how much do you take out for the podium area, how much do you take out for the choir area, it becomes complicated and needs to be looked at on a case by case basis. For example the facility at Longfellow which has fixed seats, would be a good comparison for staff to bring back to the Commission. That facility has 128 fixed seats and we know the square footage of the assembly room for that building so we could link – if there were no fixed seats for that, what would the corresponding parking requirement be, based on the 40 square feet. We can do that for any auditoriums throughout the area.

C Frautschi, stated that we're trying to deal with parking and religious institutions, but were not suppose to say that were dealing with parking and religious institutions. C Frautschi stated that when he looked at what was added, he did not have a problem with it, however, he had more problems with things that weren't changed. Because what might be a problem on Longfellow with the church, is a problem with my neighbors from the parking from Notre Dame High School. It's the same exact issue except it is every single day, not two days per week. He stated that the parking requirement for the High School was one space for every twenty students and he now knows why there are so many students parking in the neighborhood. He continued with another question regarding the staff report on E – hospitals. He asked staff if this included nursing hospitals, extended care facilities, boarding care facilities, rehabilitation centers? Also, there was an item that had come up previously on Schools. Particularly Nursery Schools, and one of the requirements was regarding unloading on the applicant's property, but in "I" in the staff report, there was nothing added about unloading on the subject's property. There is no consideration about that. It would really help remedy the problem for a lot of neighbors because we have a nursery school on Folger Street, and had a problem with people blocking the neighbors driveways because they were not off loading onto the nursery property. C Frautschi felt that this was a good first attempt, but if the Commission is truly going to be deal with parking, then we shouldn't just be picking on the Churches. CDD Ewing commented that the Zoning Text Amendment was initiated to deal with religious assembly uses, and we felt we had to expand that to deal with all assembly uses in the form of auditoriums and single purpose assembly-type facilities. The other uses are not a part of what we were charged to look at here. That's not to say that they should not be looked at, but that is not what we investigated and brought forward tonight. I might note that there is a separate section in the miscellaneous uses for rest homes, nursing homes, sanitariums, convalescent homes which are not hospitals, which are defined separately. They have their own parking standard.

C Wiecha stated that she agreed with C. Frautschi, that we are tinkering with a piece of this and her concern was with the pieces that are left behind. She had a concern regarding the Commission making spot revisions of some of the ordinances which she felt was happening. It is in response to a very severe concern that several neighborhoods have had regarding projects

that have either been before us or have had been turned over in use. She felt they should be looking at this portion as a whole as opposed to portions of it. However her main concern was the direction that the Commission was going with this. It appears that most of the cities that are in the three fixed seats per parking space are in rural areas, like Eureka, Roseville, Madera County. These are areas that have ample land available for development and I tend to agree with Mr. Naser's comment that the proposal to reduce the usage and increase parking requirement is going to prohibit development of religious use on properties that are not currently designed, built or in religious use. There really are not properties in Belmont that will support a restrictive parking requirement such as 3 seats per parking space. She didn't know if staff had information on carpooling to church? She felt it was premature for the Commission to make the assumption that people don't car pool, therefore we should make the parking requirement more restrictive. The other concern that she had was in the 40 square feet of non-fixed seating per parking space, she felt it was restrictive and unreasonable. If the range is 50-100 square feet for other jurisdictions actually some of them have 200-250 square feet in El Cajon that's a huge range and would say that at 40 square feet we are probably at the more restrictive end of that range. She personally had no desire to be a part of a proposal to restrict future religious use in the City. She agreed with Mr. Naser's comments that that is not a direction that she wanted to be a part of or that Belmont should be a part of. She thought it sent the wrong message. She would like to see any revisions or any edits to the parking ordinance consider the whole ordinance but also not look at cranking down the restrictions to the point where we would be prohibiting these kinds of uses in town. CDD Ewing commented that we will not be able to expand the investigation to other parking standards. The Council's initiation and authorization was to focus on Religious Assembly Uses and we're only expanding it to other assembly uses in response to Federal Law. CDD Ewing stated staff would look to see whether there were surveys available on passengers per vehicle.

C Torre commented that in keeping with the staff resource issue you could quickly make a comparison, as you said, with the fixed seating, what kind of square footage rule would give you the equivalent. It is very important that if we get the square footage into the code, and we would want it to be comparable, that the requirement be for the maximum number that you get for those two rules.

C Parsons agreed with C Wiecha and felt that the Commission did need a few more facts. He believed that there needed to be a correlation between the fixed seating and the square footage. He felt it would be quick and easy for the Commission to look at some of the churches in town and get the square footage comparisons.

CDD Ewing listed concerns for staff to research:

1. Provide an analysis of fixed seats and open area in actual application where we look at some existing facilities that have fixed seating and then look at their total square footage of that room and look at how various per seat standards would yield a total area standard. So that we can provide you some way to look at how a fixed seat verses an open area standard might play itself out at various churches and other assembly facilities in town.

2. Look at other cities standards to see if they talk about open area seating, because I don't think we provided that to you. We also want to look at other cities to see if they have a second room requirement because that can significantly affect the number in a hidden way. We will look at the standards for non-religious assembly uses in some of the jurisdictions that we have information on religious assembly uses, as well as look at a definition for what constitutes assembly use.

C Feierbach stated on the subject of shared parking, people are not ride-sharing. She asked staff if they could get some indication on how many people are in each car. Possibly the League of Cities might have something? CDD Ewing stated that would be a 4th item, to see if there are any studies out there that would help us with how people are commuting to assembly uses. Chair Mathewson noted that in one of the tables that was provided it uses one section is square feet, one parking space for X amount of gross floor area, another for assembly area, or principal sanctuary area. Then the other standards seem to be a percent of maximum occupancy, he was not sure how you compare those apples and tangerines. CDD Ewing responded, to a certain extent, this is why you should not read too closely what other cities do. Sometimes, the

definitions like that can significantly change the number of 4, 5 or 6 into 2, 3 or 4 depending on whether they are using gross or net. Or, excluding altar area in the lobby or including altar in the lobby. Those are not necessarily made evident by a quick survey.

C Torre requested that when staff checks the standards for non-religious use, she was more interested in the cities that were most like Belmont.

MOTION: By Commissioner Parsons, seconded by Commissioner Wiecha to continue this item to allow Staff to bring back additional information as requested by the Commission.

Ayes: Wiecha, Parsons, Frautschi, Feierbach, Gibson, Torre, Mathewson

Noes: None

MOTION PASSED: 7/0

6. NEW BUSINESS

6A. Discussion of Definition of Floor Area

CDD Ewing stated staff is bringing this back to the Commission with the definition that would be subject to an amendment if you wanted to follow-on to some of the comments that the Commission had regarding concerns about roof slope that might create floor space less than 7 feet in height as part of living area. This was a recently amended definition that didn't take into account the question of sloping loft or attic space on an upper floor. Staff believes that the amendment rises to the level of a new project for priority calendar review, if you wanted to pursue it.

C Wiecha asked what was the process of coming up with the 7 feet, as the cut off for having determined space to be part of FAR, she thought it was tied to the UBC and definitions of habitable space. CDD Ewing, replied that that was correct. C Wiecha, commented that if someone wanted to use space that was not going to be considered toward square footage of their house for appraisal value, and they are just using it for storage or a desk, she is not sure that she wants to go back and visit the FAR process.

C Parsons, stated in looking at this particular case, the square footage was considerable and would have been over that minimum amount for second floor additions. He stated we may see a lot more of this in the future because we're starting to get more second floor additions with dormer-style roofs. He recalled on the uniform building codes, less than 7 foot ceilings are allowed for hallways, bathrooms, kitchens. C Parsons stated a simple fix would to define the livable area in additions that are not finished, and could be lower than 7 feet if UBC allows, which would include the bathrooms and hallways in that area. It would then become part of the floor area. The Commission could find a few simple words to do that that would at least catch that amount of it. It was clearly the intent of that particular applicant to use those spaces as livable habitable space.

C Torre had several questions for staff, she thought if UBC is set at 7 feet as a requirement for habitable space, that we would not be able to put forward a design with less than that? Is that only under a sloped roof that such things would be allowed? Is it in Atherton the way people get extra square footage in their house is they build a 6-1/2 foot basement level and as long as it's under ground and does not add to the height of the building the city code does not really care how much square footage is there? Don't our codes require habitable space to be at least 7 feet?

CDD Ewing replied that it does, with the exception of bathrooms, halls and closets and if someone builds an attic in a steep pitched roof, that portion of the vertical space that is above 7 feet, is considered habitable and then as you go close to the sloping part of the roof as it approaches the floor, that's deemed non-habitable even if it's finished and carpeted and toy chest or bed or whatever goes there. If it were unfinished, then he felt that the building code

would not allow that space to be accessible, there might have to be an interior wall put there, however, we're getting into building code issues. C Torre stated that's my question, if there is an interior wall and then you open the door and there is attic over there, I understand that's not a problem, what I'm confused about is this is being designed to have a lounge chair or a toy chest and stuff there. It is obviously being used as a part of the room, is that within the code. CDD Ewing, stated that he would have to ask the building official about that. I don't know that in a case where it's a sloping section of a habitable space, so that there is a habitable conforming 7 foot or higher area and as a part of the floor space some of the ceiling drops below 7 feet, the building official may not get that worked up over it. Because the portion of the space is conforming. I can ask him and get an answer for you.

C Torre asked if our definition of the code allows people to build 6-1/2 foot basement levels and characterize them as storage? CDD Ewing, yes. C Torre, and that's within the UBC? C Parsons, but you're also allowed to build 6-1/2 foot ceilings bathroom. PP de Melo, stated that he pulled that section when this item came up for this project and its hallways, bathrooms, and as long as it's not greater than 50 % of the space is below 7 feet in height, then that room in total can meet the requirements of the UBC's. So if portions of that room are above 7 feet in height, as long as 50% of that room is below 7 feet, then that room can be approved according to UBC for occupancy. C Torre, so then that means that a 6-1/2 foot basement room is not ok under the UBC because 50 % is not met. CDD Ewing, as habitable. It could be uninhabitable storage. C Torre, do we allow people to build basement levels for storage that are below 7 feet? CDD Ewing, we don't prohibit it but then you have the overall height limit then that starts to force people to make a trade off between whether they want to create storage space underneath or a floor up above that's useful. C Torre, and they are allowed to put in carpet and flooring and things that would normally make something look habitable? Anything that requires a building permit, we would require that they get a building permit and evaluate it. If they were to try to do something where they were heating, ventilating it and calling it uninhabitable he would have some problems with that and was not sure how he would use the building code to deal with it. Chair Mathewson, well, storage may need heating and ventilation. CDD Ewing, it may.

C Feierbach asked why do you have to go through a big revision just to change a number? You said that, by just changing that number, you have to go through this big, da da da da. CDD Ewing, well, I'm not sure if we're just talking about changing a number or adding a few words or what, because this came to us as a question based on roof slope. C Feierbach, I guess it was Kenn that said he wanted to lower it less than 7 feet. For example, if we pick a number like 6 -1/2 feet say, wouldn't that just change one number? Why do you have to go back to the well? CDD Ewing, because I'm not sure that's what the amendment is.

C Parsons, stated that he agrees with what CDD Ewing is saying, I'm just saying that we could simply make a decision that would find a few words that pull in what the building code allows as far as bathroom heights, ceiling heights and hallways and that at least includes those square footages in the livable space which would then be included in the FAR. C. Torre, so you would just add a plus clause to the first sentence. C Wiecha, or are you suggesting that we would only allow areas with 7 feet heights to be used for bathrooms, storage and. C Parsons, no, I would not recommend that, I think that 6-1/2 foot ceiling, which is what the code is, I would not recommend that we change the code, I think we could easily include those which would then put them in the FAR calculations which will maybe have a tendency to discourage someone from using that regularly as a way of getting more square footage.

C Wiecha asked what you're saying, in areas that have 6-1/2 – 7 feet for areas that are being used as part of the actual livable space such as bathrooms, hallways, closets would still be counted as FAR. So we would then clarify any areas that have a height of 6 feet or less would not count towards the square footage except if they are used for bathrooms, hallways or closets. C Feierbach, asked if C Parsons was trying to prevent this extra area to be added? C Parsons stated that he felt that the commission was concerned about what went on in the basement area, and how people were getting extra square footage. For example, there is property that we approved previously, that suddenly has windows and a temporary floor going in. There is a house on Naughton Street that had similar situation. He felt the Commission may be seeing the first of what's coming down the road, as more people are building up into the eaves. He felt staff could probably come up with a one line sentence where allowed by UBC, for such space as enclosed closets, bathrooms and hallways 6 1/2 feet. It would be that simple and it would then require that

be included in our floor area calculations. CDD Ewing replied, that would address only the issue of bathroom, halls and closets that can be 6 ½ feet. It does not deal with the sloping roof issue.

C Parsons, well it does, because that's where it's going to happen most. CDD Ewing stated if you have a sloping roof, it would move out the measure from 7 feet to pick up the additional sloping area between 6 ½ - 7 feet.

CDD Ewing proposed an amendment be put forward at 6 ½ feet - not to include the sloping roof issue.

CDD Ewing stated that there was consensus with the Commission and it will be brought back to the Commission as a Public Hearing item.

7. REPORTS, STUDIES, UPDATES, AND COMMENTS

CDD Ewing stated at the next Planning Commission Meeting, there will be a review of the Spring Priority Calendar. He noted a memo would be sent to the Commission in advance for their input.

C Torre asked when the Zone Text Amendment for the Dr's Project would be going to City Council. PP de Melo responded that it would be on either the 2/11 or 2/25 City Council Agenda.

C Parsons asked if the Commission recommends not to change the Specific Plan, does it have to go to Council? CDD Ewing replied, yes, some cities have a provision that if the Zone Text Amendment or General Plan is recommended for denial by the Planning Commission, that's the end of it. And it would only go forward to the Council on appeal. The Belmont Zoning Ordinance does not have that provision. It is whatever recommendation the Commission offers is what is forwarded to the Council for action.

CDD Ewing stated staff would be sending information to The Commission regarding the expiration of Planning Commission terms.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, JANUARY 14, 2003.

Liaison: Commissioner Mathewson

Alternate Liaison: Commissioner Feierbach

9. ADJOURNMENT:

The meeting adjourned at 9:00 p.m. to a regular meeting on Tuesday, January 21, 2003 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP
Planning Commission Secretary
*Audiotapes of Planning Commission Meetings are available
for review
in the Community Development Department
Please call (650) 595-7416 to schedule an appointment.*